



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION III
1650 Arch Street
Philadelphia, Pennsylvania 19103-2029

DEC 31 2015

Howard Neukrug
Commissioner
Philadelphia Water Department
1101 Market Street
Philadelphia, Pennsylvania 19107

Dear Mr. Neukrug:

The United States Environmental Protection Agency has been working with the City of Philadelphia as it has been implementing its *Green City, Clean Waters* program and submitting deliverables pursuant to the Pennsylvania Department of Environmental Protection's (PADEP's) Consent Order and Agreement and the Federal Administrative Order for Compliance on Consent (AOCC). The April 2012 Green City, Clean Waters Partnership Agreement documented EPA's commitment to support the City's adoption of green infrastructure, while committing to work with the City to ensure that the program fully meets the requirements of the Clean Water Act (CWA). The City has made significant progress in implementing its *Green City, Clean Waters* program, which represents one of the most ambitious green infrastructure programs in the nation.

Paragraph 30 of the AOCC states that EPA will review and evaluate a number of deliverables related to the Long Term Control Plan (LTCP) after the first five years of implementation, and that the City may need to make revisions to its LTCP if appropriate. As you know, we have had several recent discussions on the City's LTCP and pending NPDES permit renewal. Based on these discussions, it does not appear that the LTCP will result in the capture of 85% of the mass load in each of the City's three combined sewer systems and, therefore, will not meet the minimum requirements of EPA's Combined Sewer Overflow Policy (CSO Policy). As a result, EPA is requesting that the City conduct an alternatives analysis that defines the CSO controls necessary to achieve a level of control consistent with the presumptive approach, for waters that receive CSO discharges from each of the three combined sewer systems operated by the Philadelphia Water Department. The alternatives analysis shall be submitted to EPA for review and comment by January 31, 2017.

This request is to help assure that the public and water quality benefits of clean water controls under this program can be enjoyed in all sections of the City. The alternatives analysis should identify the current level of control and the future level of control to be achieved in each of the three combined sewer systems, while considering its receiving waters. Under the CSO Policy, the presumption approach can be used if it is reasonable to believe that the proposed controls can achieve water quality standards. In conducting the alternatives analysis, EPA is requesting that the City consider what is the appropriate level of control for each of the receiving waters, which would allow the regulatory agencies to determine that it is reasonable to believe that water quality standards would be achieved using the

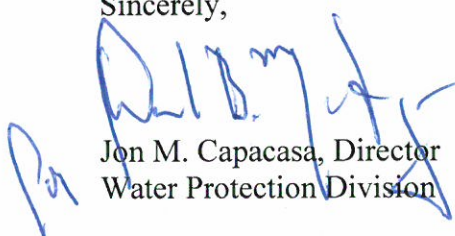


presumption approach. The alternatives analysis should also identify the specific Green Infrastructure and/or Grey controls, their location, their associated costs, the basis of their costs, and a proposed implementation schedule. The alternatives analysis should be conducted pursuant to the CSO Control Policy and EPA guidance related to the development of an LTCP.

This information is required pursuant to Section 308 of the CWA, 33 U.S.C. Section 131, and you must respond in accordance with the stated instructions and deadlines. Failure to comply with this Information Requirement constitutes a violation of Section 309 of the CWA, 33 U.S.C. Section 1319, and may result in further enforcement action involving civil or criminal penalties.

If you have any questions, please do not hesitate to contact me or have your staff contact Dana Walker at (215) 814-2928 or Yvette Roundtree at (215) 814-2685.

Sincerely,

A handwritten signature in blue ink, appearing to read "Jon M. Capacasa", is written over the typed name and title.

Jon M. Capacasa, Director
Water Protection Division

cc: Dana Aunkst, PADEP
Cosmo Servidio, PADEP